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Report of the Secretary-General on the threat posed to Libya and neighbouring countries, including off the coast of Libya, by foreign terrorist fighters recruited by or joining Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities**I. Introduction**

1. The present report is submitted pursuant to paragraph 12 of Security Council resolution 2292 (2016), in which the Council requested the Secretary-General to provide a report on the threat posed to Libya and neighbouring countries, including off the coast of Libya, by foreign terrorist fighters recruited by or joining Islamic State in Iraq and the Levant (ISIL, also known as Da'esh),¹ Al-Qaida and associated individuals, groups, undertakings and entities.²

2. The report analyses both the threat that foreign terrorist fighters pose to the internal security in Libya, as well as the threat emanating from such fighters in Libya to neighbouring Member States. It also highlights the continuing challenges that both Libya and neighbouring Member States face in developing effective countermeasures. Lastly, the report provides an overview of United Nations capacity-building efforts to counter the threat of foreign terrorist fighters in Libya and neighbouring States.

II. Current situation in Libya**A. Overview of the security situation in Libya****Security arrangements of the Libyan Political Agreement**

3. The full implementation of the Libyan Political Agreement, and specifically its transitional institutional framework, remains incomplete. The Libyan House of Representatives has yet to organize a vote to endorse the Government of National Accord. As a consequence, the executive and legislative branches of the Government of Libya operate independently of each other. Concerns among its

¹ ISIL is listed as Al-Qaida in Iraq (permanent reference number QDe.115) by the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015).

² In my report dated 16 May 2016 on the United Nations Support Mission in Libya, a section was devoted to the ISIL presence (S/2016/452, paras. 21-26).



leadership and some of the members of the House of Representatives about the structure of the Libyan army and the appointment of individuals to key military positions appear to be driving the House of Representatives' inaction.

4. While the Temporary Security Committee successfully helped to install the Presidential Council in Tripoli, it has yet to overcome the major challenge of expanding the control of the Government of National Accord over the capital. The full deployment of a presidential guard is awaited. A decision by the Government of National Accord on the structure and components of its armed forces, which would make it possible to distinguish between official security forces and armed groups, is also awaited. The Government of National Accord has not yet expressed itself on the status of units previously recognized by the House of Representatives.

Military operations against Islamic State in Iraq and the Levant in Sirte and Benghazi

5. The most active front of the conflict in Libya is around the town of Sirte, currently controlled by ISIL. At the time of reporting, the ISIL presence has been reduced to a small area of the town centre. The military operations are being conducted by armed groups, most of which are from the city of Misrata, in addition to forces from other western cities, such as Gharyan, Tripoli, Sabratha and Janzour. The military command of operation "Al-Bunyan Al-Marsous" nominally responds to the Government of National Accord.

6. Further east, the Libyan National Army is continuing its military operations against opposing armed groups, including ISIL. The army has increased its control over Benghazi, but some central districts (Sabri and fish market) and south-western areas of the city (Gwarsha and Ganfouda) remain contested. Both "Al-Bunyan Al-Marsous" and the army receive external military assistance.

7. In Sabratha, clashes broke out between local brigades and ISIL following an air strike against an ISIL position on 19 February 2016. In clashes occurring from 23 to 25 February, a coalition of local brigades under the authority of the local military council forced ISIL to leave the city. ISIL, however, still operates in the region stretching between Tripoli and the Tunisian border, especially in rural areas. Some foreign terrorist fighters have crossed back into Tunisia, while others scattered to Sirte, Tripoli and rural areas around Sabratha at the foot of the Nafusa Mountains. A few local ISIL fighters have found refuge within the city.

Risk of renewed escalation

8. The recent successes of armed groups fighting ISIL have increased their status. Subsequently, old antagonisms are resurfacing and tensions have increased. Renewed risks of escalation are most palpable in eastern cities. In Ajdabiya, on 18 June 2016, the newly created Benghazi Defence Companies launched an attack against the army positions to the south of the city. Their objective appears to be to join the armed conflict against the army in Benghazi. In Derna, the army repeatedly launched air strikes against civilian neighbourhoods, increasing the animosity between the army and the Derna Mujahedeen Shura Council,³ which had previously

³ The Benghazi Revolutionaries Shura Council and the Derna Mujahedeen Shura Council receive vocal and material support from supporters within Tripoli and Misrata; see the final report of the Panel of Experts on Libya established pursuant to resolution 1973 (2011) (S/2016/209, paras. 77-79).

pushed ISIL out of the town. On 3 May 2016, around Zillah (Jufra), forces affiliated with the army clashed with units from Misrata. In the wake of the clashes, the army took control of a number of oilfields in the Sirte basin.⁴ Those incidents show that the fight against ISIL is not the only priority of the armed groups involved. They also raise questions about the aftermath of the operations against ISIL.

9. Meanwhile, competition between armed groups for control of Tripoli continues. Within the capital, armed groups have clashed on several occasions. In Janzour, the Mobile National Forces have clashed with the Fursan Janzour brigade. In the Abu Salim area, several skirmishes between the Abu Salim and the Salah Burki brigades have been reported. Outside of the town, armed groups from Zintan have threatened to return.

Foreign terrorist fighters and Libyan armed groups

10. The current political divide continues to make Libya attractive to foreign terrorist fighters. Libyan armed groups also actively recruit foreign terrorist fighters to boost their military capacities. Several Libyan armed groups are capable of mobilizing international networks of radicalized fighters, often because of historical ties.

11. In the north, ISIL has established itself in cities where radical movements, notably Ansar Al-Sharia,⁵ have had a significant presence, specifically in Derna, Benghazi, Sirte and Sabratha. The successful establishment of Ansar Al-Sharia in those towns relied on the support provided by local sponsors. In spite of ideological and political differences between the two movements, ISIL and Ansar Al-Sharia have tried to avoid violent disputes, with mixed success. In some cases, they even established occasional collaboration. In Benghazi, for example, Ansar Al-Sharia and leaders from other armed groups within the Benghazi Revolutionaries Shura Council coalition defended the option of an "alliance of convenience" with ISIL to fight the Libyan National Army until the end of 2015. Ansar Al-Sharia Benghazi (QDe.146) remains a part of the Benghazi Revolutionaries Shura Council coalition of Libyan armed groups (see S/2016/209, paras. 74 and 75).

12. Other Libyan armed groups also maintain or have maintained ties with terrorist groups. For example, figures of influence in Misrata were temporarily connected to the ISIL leadership in Sirte and actively lobbied Brigade 166 to refrain from attacking Sirte in March 2015.⁶ Similarly, links exist between ISIL and Al-Qaida-affiliated cells and Libyan armed groups in Tripoli, where ISIL cells (mostly composed of foreign terrorist fighters) have been offered housing facilities by a number of local militias, such as the Al-Tawhid brigade, whose leader was assassinated by the Special Deterrence Force in December 2015.⁷

13. The occasional collaboration between terrorist groups and a number of Libyan armed groups raises a number of questions concerning sponsorship offered by them for the presence of violent extremists in Libya. Such sponsors, but also others among Libya's political and military factions, could make further use of violent extremist networks in the ongoing political struggle.

⁴ Libya Security Monitor, "May2016SigActs", 16 June 2016. Available from <https://medium.com/libya-security-monitor>.

⁵ Listed as Ansar Al Charia Derna (QDe.145) and Ansar Al Charia Benghazi (QDe.146).

⁶ "Deaths in clashes between Brigade 166 and ISIL in Sirte", *Al Jazeera* (Doha), 25 March 2015.

⁷ "The killing of the commander of Al-Tawhid brigade in Tripoli", *Al-Wasat* (Manama), 4 December 2015.

14. In the south, Al-Qaida-affiliated groups such as the Organization of Al-Qaida in the Islamic Maghreb (QDe.014), Al Mourabitoun (QDe.141) and Ansar Eddine (QDe.135) have established a relatively long presence, building ties with local armed groups. Al-Qaida affiliates and Libyan armed groups share a common interest in weak State control, especially in relation to cross-border trafficking, which is the primary source of income for the latter group. Such arrangements are alliances of convenience and need constant renegotiation. Nevertheless, Mokhtar Belmokhtar (QDi.136), the leader of Al Mourabitoun, has spent several years in Libya and has built close relations with armed groups in Oubari and Derna. This has allowed him to travel across the country with relative ease, including the north-west. Iyad Ag Ghali (QDi.316), the leader of Ansar Eddine, has managed to maintain a foothold in southern Libya, where one of his sons is reportedly serving in an armed group. He uses this connection for access to supplies, including arms (see S/2016/209, para. 189 and annex 36).

15. Foreign ISIL operatives are relatively new to the area and are consequently less connected to local armed groups. Nevertheless, in order to ensure its south-eastern supply line from the Sudan and Egypt to Sirte, ISIL has struck a deal with Arab armed groups around Al Kufra to protect its convoys. Attempts by ISIL to infiltrate trafficking networks in the south-west, especially those protected by armed elements within the Tebu tribe, have largely failed.

16. While the defeat of ISIL in Sirte appears to be a distinct possibility, the south is considered the most obvious escape route for some foreign terrorist fighters. Therefore, while risks of westward movement, including to Tunisia, remain, the future impact of scattered ISIL combatants on southern local armed groups may become an issue of concern.

B. Threat posed by Islamic State in Iraq and the Levant, Al-Qaida and associated groups

17. ISIL in Libya is a relatively new group and, to a certain extent, continues to be considered a foreign element by local stakeholders (see S/2015/891, para. 45). ISIL in Libya was established as a purpose-built affiliate by the ISIL core leadership in the Syrian Arab Republic and Iraq, and has gained control over Libyan territory in a relatively short time (*ibid.*, paras. 20-23). Member States reported that it has also benefited from guidance and support received by emissaries sent from the ISIL core in Iraq and the Syrian Arab Republic (*ibid.*, para. 21).

18. ISIL in Libya has not been able to build sustained local alliances (*ibid.*, para. 37). Such alliances are difficult to build in an environment where loyalties are fluid and not primarily contingent on ideology. The events in Derna in May and June 2015, when ISIL in Libya was pushed out of the city by its former ally, the Derna Mujahedeen Shura Council, exemplify this (*ibid.*, para. 29).

19. According to Member States, ISIL in Libya had been able to sustain itself through extortion and "taxation", as well as through its connections with criminal groups and smugglers. For example, ISIL in Libya had been imposing "taxes" on the population in Sirte and had set up checkpoints in the town. With the loss of territory under its control, ISIL in Libya may be required to find new funding mechanisms.

20. The past 12 months have seen intent by ISIL in Libya to intensify its terror campaign, combining suicide attacks, executions and conventional fighting. In 2016, the group also continued to attack oil facilities⁸ in an attempt to further destabilize Libya and undermine the reopening of the oil facilities to deny its opponents revenue from the country's most essential commodity (see S/2016/501, para. 30). Member States assess that the recent offensive against ISIL in Sirte has the potential to force the group to abandon its key stronghold and to redeploy and regroup in smaller and geographically dispersed cells throughout Libya and in neighbouring countries.

21. The two branches of Ansar Al-Sharia in Libya⁹ have been weakened through defections and the killing of some of their fighters since the establishment of ISIL in Libya (see S/2015/891, para. 18). Nevertheless, Member States reported that Al-Qaida continues to maintain relationships with fighters who have declared allegiance to ISIL, in some cases coordinating operations against what they perceive to be common enemies. Currently, the "rebranded" Ansar Al-Sharia in Libya remains particularly active in the north-eastern part of the country. The group also regularly reports through social media on its activities, especially in Benghazi.¹⁰

22. Ansar Al-Sharia in Tunisia (QDe.143), another Al-Qaida affiliate operating in Libya, has received support from ISIL in Libya in conducting its operations in Tunisia's border areas with Libya and Algeria.¹¹ During its inception, Ansar Al-Sharia in Tunisia also benefited from support and tutoring by Al-Qaida in the Islamic Maghreb to reinforce its operational capacities, as well as from the return of veterans from the Levant. Its members also received training in camps administered by Al-Qaida affiliates in Libya.¹¹

23. Al-Qaida in the Islamic Maghreb has taken advantage of the persistent instability in Libya since 2011 and has used the country as a sanctuary for some senior regional leaders and fighters of Al-Qaida affiliates. In addition, Al-Qaida in the Islamic Maghreb continues to use Libya as a base for logistical support, in particular to procure arms and ammunition.¹² Al-Qaida members benefit from detailed knowledge of the conditions within Libya gained through transnational links built there since the 1990s in connection with local and regional smuggling networks.^{13,11}

24. The increased use of the Internet and social media by Al-Qaida affiliates in the Sahel illustrates a determination to promote their actions and messages more actively and to spread propaganda to the wider region, including Libya. In January 2016, for example, Al-Qaida in the Islamic Maghreb incited fighters to deploy to

⁸ For example, the attack on Ras Lanouf terminal on 21 January 2016.

⁹ Ansar Al Charia Derna (QDe.145) and Ansar Al Charia Benghazi (QDe.146). One Member State highlighted that the two branches are no longer distinguishing themselves as different groups following the large-scale departure of elements of the latter to ISIL in 2015. Some of their members are reported to be relocated.

¹⁰ See, for example, a video by Ansar Al-Sharia in Libya distributed on social media on 11 April 2016 that highlighted its operations in Benghazi and called upon Muslims to support and join the fight.

¹¹ Member State information.

¹² The large-scale criminal economy in Libya, encompassing goods, drugs, migrants and weapons, presents an opportunity for an terrorist group to cooperate with local smuggling networks to raise funds (see S/2015/891, paras. 57-61).

¹³ Member State information.

Libya¹⁴ and, in June, to “rally” to fight in Benghazi.¹⁵ This signals a potential change in perception by Al-Qaida, which now appears to be viewing Libya as a battlefield rather than only as a logistics and support area. One Member State emphasized that Al-Qaida in the Islamic Maghreb’s priority remains the Sahel region and it would face major hurdles to become a power broker in Libya, while at the same time jeopardizing its logistics bases.

III. Threat from foreign terrorist fighters

A. Libya

25. The threat posed by foreign terrorist fighters in Libya is closely connected with the operations of entities associated with Al-Qaida, in particular Al-Qaida in the Islamic Maghreb and Ansar Al-Sharia in Tunisia, as well as the emergence of ISIL in the country. Al-Qaida in the Islamic Maghreb has regularly been operating in the south-west of the country, periodically infiltrating Libya and using it for rest and recuperation for its fighters, arms procurement and training. The group exploits the current weakness of governance, while its main area of operations currently remains outside the country.

26. Another prominent group of foreign terrorist fighters in Libya are members of Ansar Al-Sharia in Tunisia. The group continues to train fighters in Libya near the Tunisian border. Furthermore, Ansar Al-Sharia in Tunisia has established safe havens on Mount Chaambi, Tunisia, run in collusion with Al-Qaida in the Islamic Maghreb’s Okba Ibn Nafaa brigade, dedicated to hosting and training foreign and local terrorist fighters planning to perpetrate attacks in Tunisia and elsewhere. One Member State reported that Ansar Al-Sharia in Tunisia received funding not only from Al-Qaida in the Islamic Maghreb, but also from Al-Qaida in the Arabian Peninsula (QDe.129), in order to finance operations in the Mount Chaambi region. A part of the funds also financed the recruitment and dispatch of members of Ansar Al-Sharia in Tunisia to conflict zones. Furthermore, contacts have been reported between Ansar Al-Sharia in Tunisia and the ISIL core, as well as with the Al-Nusrah Front for the People of the Levant (QDe.137), through emissaries.

27. The third and largest group of foreign terrorist fighters currently operating inside Libya are individuals linked to ISIL. Foreigners dominate the top leadership structure of the group in Libya. ISIL in Libya was created by a core of Libyan returnees from the Syrian Arab Republic who, when in the Levant, created Al-Battar Brigade in 2012¹⁶ to support ISIL in the Syrian Arab Republic and Iraq. Many of its members returned to Libya in the spring of 2014, where they reorganized in Derna, under the banner of the Islamic Youth Shura Council. In October 2014, the Islamic Youth Shura Council pledged allegiance to ISIL and declared eastern Libya to be a province of the so-called “Islamic State”, calling it “wilayat Barqa” (the Cyrenaica province) (see S/2015/891, para. 22).

¹⁴ Audio speech by Abu Ubaydah Yusuf Al-Anabi, head of Al-Qaida in the Islamic Maghreb “Council of Dignitaries” (QDi.389), 14 January 2016.

¹⁵ Audio speech by Al-Anabi, 26 June 2016.

¹⁶ See also, for example: Frederic Wehrey and Ala’ Alrababwah, “Rising Out of Chaos: The Islamic State in Libya”, *Carnegie Endowment for International Peace*, 5 March 2015.

28. In March 2015, ISIL in its propaganda called upon supporters of the organization to travel to Libya instead of Iraq or the Syrian Arab Republic. Social media accounts reportedly used by ISIL supporters invited affiliates to opt for Libya instead of the Middle East. "Please rectify your intention if you are sitting home waiting to go to Shaam [Syrian Arab Republic]. Libya needs you", read one social media post from June 2015 (*ibid.*, para. 50). A similar message was distributed in April 2016.¹⁷ However, despite the relatively sophisticated propaganda machinery at its disposal, ISIL in Libya is not yet able to recruit internationally on the same scale as ISIL in Iraq and the Syrian Arab Republic. For example, no European Member State reported their nationals fighting for ISIL in Libya,¹⁸ and only two European Member States have recently reported having prevented the attempted travel to Libya of a small number of their nationals.¹⁹

29. Member States have stressed that it is difficult to estimate the number of ISIL elements in Libya with certainty. Member States have reported that between 2,000 and 5,000 ISIL fighters from Libya, Tunisia, Algeria, Egypt, Mali, Morocco and Mauritania have been deployed in Sirte, Tripoli and Derna (*ibid.*, paras. 20 and 52). One Member State recently reported that there were probably between 5,000 and 7,000 ISIL operatives across Libya, including 3,000 to 4,000 in Sirte. However, as a result of the recent offensive, the current number of those in Sirte is now likely to be well under 1,000, with large numbers of those who have recently fled the city likely to have relocated to other areas in Libya, but potentially also to other countries in the region. As far as demographics are concerned, North African males currently comprise the largest group of foreign terrorist fighters in Libya (*ibid.*, para. 51). One Member State reported a decrease in the flow of individuals coming from Somalia to Libya.

30. Libya also continues to be an attractive destination for foreign terrorist fighters from African countries. In addition to those of North and West African descent, foreign terrorist fighters from East African countries continue to join ISIL in Libya. Some of them enter Libya across its southern border. Member States reported that fighters aiming to join ISIL, transit the country's south-eastern border, where ISIL has established a small operational presence in the region of Al Kufra. According to several Member States, this ISIL presence cooperates on a tactical level with human traffickers in order to channel foreign terrorist fighters towards ISIL cells in other parts of the country. Two Member States reported such fighters having previously entered Libya by the maritime route to join ISIL. According to both Member States, however, the flow recently stopped with the beginning of the current military campaign against ISIL in Sirte.

31. A regional Member State outlined that some foreign terrorist fighters had entered Libya using their passports through official border crossings. Land routes are the most frequently used access routes for such fighters into the country, while some of them have gained entry via Libyan airports. One Member State recently reported that some foreign terrorist fighters had also entered Libya by sea. Since some of them have used passports not previously connected to terrorist activities, monitoring the flow of these individuals into the country is very difficult. In contrast to ISIL in

¹⁷ An ISIL-affiliated Twitter account distributed the call on 9 April 2016.

¹⁸ Foreign terrorist fighters from the region continue to travel to Iraq and the Syrian Arab Republic, although currently in smaller numbers than in 2014 and 2015 (see S/2016/501, para. 18).

¹⁹ There are indications that a handful of European foreign terrorist fighters may be present in Libya.

the Levant, no cases of families or women travelling as foreign terrorist fighters or travelling to join fighters in the country have been reported by Member States.

32. Consequently, ISIL fighters in Libya are comprised of three main groups: (a) the hard core of Libyan fighters who have returned from Iraq and the Syrian Arab Republic; (b) foreign terrorist fighters (with a sizable contingent comprising fighters from the Maghreb); and (c) a significant number of defectors from local Libyan groups. Although a substantial number of Libyan nationals are among ISIL fighters, they are mainly "returnees" who have fought with ISIL in the Syrian Arab Republic and Iraq in the past few years.²⁰ One Member State assessed that with the decline in the territory under its control, ISIL is currently facing a test of its internal cohesion. Its constituent parts threaten to again become separate or rejoin previous organizations.

B. Threat of foreign terrorist fighters to the region

33. The threat of foreign terrorist fighters to the region is diverse, emanating from the presence of ISIL in Libya as well as being a result of Al-Qaida affiliates taking advantage of the weakened governance structures in the country. Al-Qaida affiliates use the southern Libyan desert as a staging platform for attacks in the Sahel (see S/2015/891, para. 53). In addition, the military interventions in the Sahel have resulted in temporary and tactical retreats of Al-Qaida affiliated fighters to Libya.

34. ISIL in Libya acts as a support hub for ISIL in North Africa. Member States have reported that funds have been channelled from Libya to Ansar Bait al-Maqdis in the north-eastern part of Sinai, Egypt. One Member State reported substantial and increasing monthly subsidies from ISIL in Libya to Ansar Bait al-Maqdis, starting in 2015. Member State information further suggests that the ISIL presence in Africa was reinforced through the proclamation of allegiance by Ansar Bait al-Maqdis, which resulted in it receiving financial and logistical support. Member States also reported that Ansar Bait al-Maqdis was reinforced by Egyptians who had trained in Libya. The United Nations is not in a position to verify the information provided by Member States.

35. The recent pressure against ISIL in Libya could lead its members, including foreign terrorist fighters, to relocate and regroup in smaller and geographically dispersed cells across Libya and in neighbouring countries. A Member State outlined that Tunisian foreign terrorist fighters in particular could move in more significant numbers back to Tunisia, thus exacerbating an already significant threat there. According to a Member State, dozens of Tunisian fighters have already returned, with the intent to conduct attacks. In addition, the border region between the two countries continues to be the theatre of clashes between Tunisian ISIL affiliates and security forces.

36. In Tunisia, a local "start-up" group has pledged allegiance to ISIL, calling itself Jund Al-Khilafah²¹ in Tunisia (soldiers of the caliphate), and claimed a series of deadly attacks in 2015, including the attack against the National Bardo Museum

²⁰ In total, around 3,500 Libyan nationals had left the country to join groups in the Syrian Arab Republic and Iraq, 800 of whom came back to join the newly formed ISIL affiliate. They returned in several waves between 2014 and 2015 (Member State information).

²¹ Not to be confused with the similarly named group in Algeria, Jund al-Khilafah in Algeria (QDe.151).

in March 2015. Several Member States reported that the perpetrators of the attack had previously trained in Libya. According to Member State reports, the group comprises around 50 members and is based in Jebel Selloum. One commander of Jund Al-Khilafah in Tunisia, Saif Eddin Jammali, also known as Abu Qaqaa, was killed during clashes with Tunisian security forces in May 2016.²² The ISIL core has not publicly accepted this group as an affiliate.

37. Attacks perpetrated in Tunisia in 2015 and 2016 have either involved Tunisian returnees from Libya or have been coordinated by Tunisian foreign terrorist fighters from Libyan territory, along with financial and logistical support. A recent example was the clashes in Ben Guerdane in March 2016,²³ which saw the involvement of Tunisian fighters who had infiltrated from Libya. According to a Member State, among several hundred Tunisians being trained in Libyan camps, some are awaiting favourable conditions to infiltrate Tunisia for further attacks. Many Tunisian fighters associated with high profile attacks in Tunisia were killed in an air strike on 19 February 2016 in Sabratha, Libya (see S/2016/501, para. 29). Tunisian returnees have also been instrumental in the recruitment and indoctrination of new fighters and their dispatch to conflict zones.

38. The flows of arms and fighters from Libya were instrumental in allowing Al-Qaida affiliates to control a significant amount of territory in Mali (see S/2013/467, para. 7). This was a major evolution in terms of the terrorist threat in the region, and seen from this perspective its direct and indirect enduring effects are still noticeable in the Sahel-Sahara region. Al-Qaida in the Islamic Maghreb and its affiliates, including foreign terrorist fighters, were dislodged from the main cities in Mali and dispersed throughout the region. However, they have continued to plan and mount attacks in the Sahel and West Africa, including recent attacks that targeted Burkina Faso and Côte d'Ivoire for the first time.²⁴

39. One Member State reported that some foreign terrorist fighters from Algeria travelling to join ISIL in the Syrian Arab Republic in the past few years had used Libya as a transit country. In addition, another Member State highlighted that a few Algerian foreign terrorist fighters had joined ISIL in Libya. The main destination for Algerian fighters, however, has traditionally been Al-Qaida affiliated groups in the Sahel and the Sahara, where Algerian nationals maintain leadership positions.²⁵ Lastly, Libyan foreign terrorist fighters fighting for Al-Qaida affiliated groups were involved in attacks in Algeria in the past.²⁶

²² See, for example, Reuters, "Tunisian forces say kill local Islamic State commander in clashes", 19 May 2016. Available from <http://af.reuters.com/article/commoditiesNews/idAFL5N18G2SA>.

²³ See, for example, Callum Paton, "Tunisia: Isis seeking to create emirate in Ben Guerdane after 53 killed in raid from Libya", *International Business Times*, 8 March 2016.

²⁴ In January 2016, Al Mourabitoun (QDe.141) perpetrated simultaneous attacks against a hotel, a coffee shop and a restaurant in Ouagadougou, and in March 2016 attacked three hotels in Grand Bassam, Côte d'Ivoire.

²⁵ For example: Belmokhtar (QDi.136), the leader of Al Mourabitoun (QDe.141), Al-Anabi (QDi.389, see footnotes above), head of the "Council of Dignitaries", Ahmed Deghdegh (QDi.252), the finance chief of Al-Qaida in the Islamic Maghreb, and Djamel Akkacha (QDi.313), a coordinator for groups associated with Al-Qaida in the Islamic Maghreb.

²⁶ For example, during the attack against the gas installation in In Amenas, Algeria, in January 2013, perpetrated by a group of Al-Qaida affiliated fighters, led by Mokhtar Belmokhtar, Libyan foreign terrorist fighters took part (see S/2014/770, para. 36) and a significant part of the participating fighters were trained in Libya (see S/2015/891, para. 17).

40. In the Niger, the impact of the situation in Libya has been less acute in recent months, while Jama'atu Ahlis-sunna Lidda'awati Wal-Jihad (Boko Haram) (QDe.138) incursions have become a more serious threat. The last high profile attack in the Niger linked to Libya dates to May 2013. At that time, members of Al Mouakaoune Biddam (QDe.139) and the Mouvement pour l'Unification et le Jihad en Afrique de l'Ouest (QDe.134) infiltrated into the Niger from Libya and perpetrated two coordinated attacks against a commercial mining site in Arlit and an army base in Agadez before retreating to Libya.²⁷ Chad faces a more serious threat from Boko Haram incursions than from foreign terrorist fighters coming from Libya. Nevertheless, the situation in Libya is viewed by regional Member States as a source of concern, in particular with regard to the proximity of mobile training camps in southern Libya along with the risk of arms smuggling and infiltration of fighters.

41. Due to Al-Shabaab's²⁸ resistance to embracing the ISIL agenda, the East African region has not experienced any attacks linked to ISIL in Libya. Nonetheless, ISIL views the region as a vital area with significant potential for expansion. Two Member States have reported enhanced radicalization and recruitment mainly through social media, resulting in the flow of foreign terrorist fighters travelling to join ISIL in Libya from East Africa. According to Member State assessments, ISIL foreign terrorist fighters from the region self-fund their activities and travels. Member States also indicate that ISIL has urged local recruits and sympathizers to conduct terrorist attacks in countries of the region. Additionally, a number of foreign terrorist fighters from the region are fighting within the ranks of ISIL in Libya.²⁹

IV. Existing countermeasures implemented by Libya and neighbouring States

A. Libya

42. The deteriorating security situation in Libya since the beginning of the armed conflict in 2011 has severely limited engagement between the Counter-Terrorism Committee and the Libyan authorities. The Committee has thus been unable to update its 2009 assessment of Libya's capacity to effectively implement Security Council resolutions 1373 (2001) and 1624 (2005) or to consider Libya's implementation of Council resolution 2178 (2014). However, the Committee believes that Libya's capacity to combat terrorism and address the flow of foreign terrorist fighters in the region has been significantly undermined.

Criminal justice and legislation

43. Libya appears to rely on its Criminal Code to prosecute terrorist offences, which are handled by specialized public prosecution authorities and criminal courts responsible for State security. The Code has not been reviewed to incorporate the foreign terrorist fighter-related offences provided for in resolution 2178 (2014).

²⁷ S/2014/41, para. 6.

²⁸ Listed under permanent reference number SOe.001 by the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea.

²⁹ For example, in a communiqué distributed via social media in the first week of June 2016, ISIL in Libya highlighted a suicide attack by one of its Kenyan fighters near Sirte.

44. Because of the worsening security environment, the administration of justice has been brought to a state of near collapse in many parts of the country. According to the report of the Office of the United Nations High Commissioner for Human Rights of 15 February 2016 (A/HRC/31/47), prosecutors and judges endured death threats, court bombings, assaults and abductions throughout 2014 and 2015. As a consequence, courts in Derna, Benghazi and Sirte closed their doors in 2014. Some Benghazi courts partially resumed their activities in 2015. Courts in Tripoli temporarily suspended activities during the fighting in mid-2014. The report further noted that, since the armed conflict in 2011, more than 5,000 individuals were still detained without having had their cases properly examined to determine whether they could be charged or released. According to the United Nations Support Mission in Libya, around 800 individuals (200 of whom are believed to be affiliated with ISIL) have been detained in the Mitiga prison. Law enforcement and judicial authorities are unable to gain access to these individuals because they are detained by local militias. Owing to the near collapse of the criminal justice system there have been very few investigations and prosecutions. This means not only that there are significant challenges to ensuring accountability, but also that victims have little recourse to protection or to effective remedy. There have been no known prosecutions of individuals suspected of being terrorists or foreign terrorist fighters. The judicial police currently face significant challenges in their efforts to control the facilities for which they are responsible.

Counter-financing of terrorism

45. Libya's anti-money-laundering and counter-financing of terrorism legal framework consists of Anti-Money-Laundering Law No. 2 of 2005, supplemented by Implementing Regulation No. 300 of 2007. The Law, however, does not contain measures to combat the financing of terrorism or the financing of foreign terrorist fighter travel. Moreover, Libya has not established a mechanism for the freezing of terrorist assets, and it is unclear whether its financial intelligence unit is fully operational.

Border control

46. Libya's 4,000-km land borders and 2,000-km coastal border, characterized variously by a desert and mountain landscape, present significant challenges for the border control authorities. Libya has employed a number of innovative approaches in an effort to strengthen its border management, including the establishment of multi-agency security units at the borders to coordinate patrols and share information, and counter-terrorism border units with specific mandates. Monitoring and control of major border crossings, particularly in desert regions, was formerly the responsibility of the military, which used checkpoints and air and maritime patrols, working in coordination with police and customs units. Libya also cooperated with Tunisia on a pilot project to provide joint customs controls at the Ras Jdeer border crossing, which was managed by a unified command of all relevant agencies. This approach proved successful. The Libyan aviation authorities also formerly received advance passenger manifests, which were checked against various databases. Since 2011, however, most of these arrangements and structures have ceased. Armed groups continue to retain command structures and exercise autonomous control over many such facilities (see A/HRC/31/47). Moreover, militia groups are performing border-control functions. A recent decree provided for the

establishment of a presidential guard in charge of police, immigration and border control, but it is not yet fully operational.

47. In September 2013, Tripoli International Airport was connected to the International Criminal Police Organization (INTERPOL) Stolen and Lost Travel Documents database within the framework of "Project RELINC (Rebuilding Libya's Investigative Capability)",³⁰ enabling border control authorities to systematically check incoming travellers and their passports against INTERPOL databases for the first time. Owing to the country's deteriorating security situation, it was not possible to fully connect Benghazi Airport to INTERPOL databases or to screen travellers arriving at Tripoli International Airport against INTERPOL databases.

Maritime measures

48. Operation "Sophia", part of the European Union military operation in the southern central Mediterranean, was charged with two additional supporting tasks in June 2016: training the Libyan coast guard and navy and contributing to the implementation of the United Nations arms embargo on the high seas off the coast of Libya. The operation's task has been to undertake systematic efforts to identify, capture and dispose of vessels and enabling assets used, or suspected of being used, by migrant smugglers or traffickers. Boarding, search, seizure and diversion of smugglers' vessels or items prohibited under the arms embargo have not been extended into Libyan territorial waters and are limited to smuggling activities. However, operation "Sophia" may serve to deter foreign terrorist fighters seeking to travel to or from Libya by sea.

B. Neighbouring States

49. The foreign terrorist fighter phenomenon is relatively new to most States neighbouring Libya, with the exception of Algeria and Egypt. The lessons learned in Algeria and Egypt following the return of Algerian and Egyptian fighters who took part in the war in Afghanistan in the 1980s and 1990s could be instructive to States neighbouring Libya currently facing similar challenges in dealing with foreign terrorist fighters. Those challenges include the criminalization and prosecution of offences, the rehabilitation and reintegration of returnees and defectors and the prevention of recruitment and travel.

Criminalization, prosecution, and the rehabilitation and reintegration of returnees

50. States neighbouring Libya are continuing to take steps to update their national legislation, in accordance with resolution 2178 (2014), to facilitate the prosecution, as serious criminal offences, of the travel of foreign terrorist fighters for terrorism or related training, as well as the financing or facilitation of their travel. Investigative and prosecutorial capacity varies from State to State. It is not known whether any foreign terrorist fighter has been prosecuted, but some have been arrested on their return. In the absence of effective prosecution, rehabilitation and reintegration strategies, neighbouring States will face significant challenges in addressing returnees. Those challenges may be exacerbated by difficulties in

³⁰ Project RELINC (Rebuilding Libya's Investigative Capability) was an 18-month project launched in 2012 with European Union support and implemented by INTERPOL.

collecting the evidence required to mount effective prosecutions. Moreover, since many returnees are minors or women, there is a need to develop differentiated and tailored approaches.

Countering recruitment and preventing the travel of foreign terrorist fighters

51. Preventing foreign terrorist fighter recruitment and disrupting recruitment networks requires community policing, intelligence gathering and the monitoring of websites and social media. Libya's neighbouring States, while recognizing the need to develop comprehensive approaches to countering recruitment and preventing and countering violent extremism, do not appear to have adequate capacity to fully implement such measures; however, some have established partnerships with religious and cultural institutions to raise awareness and mitigate the impact of recruitment and violent extremism.
52. Preventing the travel of foreign terrorist fighters requires effective border controls. The Member States neighbouring Libya to the north have recently strengthened their surveillance at border posts and in desert areas. For example, Tunisia has completed a 200-km (125 mile) barrier along its border with Libya and is currently installing electronic monitoring systems to prevent infiltration by such fighters. Algeria has connected all of its border posts to the INTERPOL I-24/7 databases and has transmitted the INTERPOL foreign terrorist fighters "photo album" to all of its official border checkpoints. Other control measures include the development and use of risk criteria to screen potential foreign terrorist fighters leaving or entering the country. Egyptian military forces actively monitor the Egyptian desert borders in order to prevent the illegal movement of persons and goods. The Egyptian navy is also active in protecting maritime borders by exercising controls on illegal migration towards Europe.
53. The recent arrest of suspected foreign terrorist fighters to the south-east indicates that the fighters are crossing into Libya from the Sudan and vice versa. In November 2013, the Sudan and Libya deployed joint forces to protect their common border, prevent infiltrations and combat terrorism. In 2015, however, Libya withdrew its troops. It is unclear whether Sudanese troops are still deployed.
54. To the south-west, lengthy and porous borders, the limited number of border posts and the lack of capacity and resources to control borders represent major challenges for the Niger and Chad in terms of preventing the flow of foreign terrorist fighters. The Niger has established patrols on the Libyan border. Northern Chad (bordering Libya and the Niger) has been declared a military area subject to special arrangements for access and residence. The border with Libya (Tibesti area) has been a mined area for 30 years, but some border crossings have been set up to facilitate inter-State movement.
55. In the absence of a government presence, neighbouring Member States are also engaging with border communities in order to identify and prevent illegal crossings into their territories. Joint Sudanese-Chadian forces were set up in 2010 and are commanded alternately by a General from one of the two Member States. These forces rely on command posts spread over 2,000 km of border and a total of 3,000 personnel (from both Member States). An aerial surveillance mechanism has been set up in partnership with the French-led military Operation Barkhane. This should assist countries such as Chad and the Niger in their efforts to prevent infiltration by terrorists and foreign terrorist fighters.

V. United Nations capacity-building efforts to counter the threat of foreign terrorist fighters in Libya and neighbouring States

56. Following the recommendation of the Security Council in its presidential statement of 29 May 2015 (S/PRST/2015/11), the Counter-Terrorism Implementation Task Force Office developed the United Nations capacity-building implementation plan for countering the flow of foreign terrorist fighters. Taking an "All United Nations" approach, the Office worked through its inter-agency foreign terrorist fighter working group and developed a comprehensive and coherent plan that includes 37 mutually reinforcing project proposals submitted by 12 Task Force member entities (United Nations Counter-Terrorism Centre, Counter-Terrorism Committee Executive Directorate, United Nations Office on Drugs and Crime, United Nations Office for Disarmament Affairs, Office of the United Nations High Commissioner for Human Rights, United Nations Educational, Scientific and Cultural Organization, United Nations Alliance of Civilizations, United Nations Entity for Gender Equality and the Empowerment of Women, Office on Genocide Prevention and the Responsibility to Protect, International Civil Aviation Organization, International Organization for Migration and INTERPOL). The plan will help to build the capacity of the most affected Member States to prevent and counter this threat. The projects cover a wide variety of themes to impact the flow of foreign terrorist fighters across the entire foreign terrorist fighter "life cycle", including their radicalization, training, travel to conflict zones, financing, fighting, potential return and reactivation, as well as reintegration and rehabilitation should they return. Based on their assessments and expert knowledge, the Counter-Terrorism Committee Executive Directorate lent its support to develop the capacity-building implementation plan by rating the criticality of the projects according to key thematic needs in the most affected Member States and regions. The individual project proposals have different timescales and budgets. The sum total of their budgets is \$124 million over three to five years.

57. Under the umbrella of the capacity-building implementation plan, the United Nations Counter-Terrorism Centre is already implementing its project on advance passenger information. The project will help Member States in the Middle East and North Africa region and beyond and build the capacities of Member States to prevent individuals believed to be foreign terrorist fighters from leaving, entering or transiting through their territories, raise awareness of the benefits of using advance passenger information and passenger name records as a border management tool to stem the flow of foreign terrorist fighters and determine the technical assistance needs of participants in implementing such systems.

58. The United Nations Counter-Terrorism Centre, together with the United Nations Educational, Scientific and Cultural Organization, will also implement a project to prevent violent extremism and promote youth empowerment in the North Africa and Middle East region, and will support Member States, with the United Nations Office on Drugs and Crime, in their efforts to prevent radicalization to violence in prisons.

59. Counter-Terrorism Implementation Task Force member entities, such as the International Organization for Migration, INTERPOL and the International Civil Aviation Organization, have submitted important project proposals under the

implementation plan to help the authorities of Libya and neighbouring Member States to enhance their border security capacities to prevent the travel of foreign terrorist fighters to conflict zones.

60. The United Nations Counter-Terrorism Centre is also implementing the border security initiative in the wider Sahel and the East Africa/Horn of Africa region with the Global Counterterrorism Forum and the Governments of the United States of America and Morocco. The objective of the project is to provide know-how on modern standards to border law enforcement services to enhance relevant capacities in the areas of cross-border cooperation and green and blue border surveillance.

61. In its presidential statement, the Security Council encouraged Member States to provide needed financial and other assistance to the Counter-Terrorism Implementation Task Force and the United Nations Counter-Terrorism Centre. To date, approximately 13 per cent of the implementation plan is funded. To implement all 37 projects, additional resources will be required.